

United States Court of Appeals for the Fifth Circuit

No. 20-20478

United States Courts
Southern District of Texas
FILED

December 01, 2020

JAMES K. COLLINS,

David J. Bradley, Clerk of Court

Plaintiff—Appellant,

versus

D R HORTON-TEXAS LIMITED,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CV-1897

Before DENNIS, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion, if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). The district court dismissed this case as barred by res judicata on August 14, 2020. The plaintiff filed a motion for reconsideration on August 24, 2020 and a notice of appeal on September 11, 2020. The district court granted the motion to reconsider, vacated its dismissal order, and reopened the case on September 14, 2020.

“Because the district court has already granted the only relief sought by [the plaintiff], his appeal is moot, and this court lacks jurisdiction over it.” *United States v. Gallegos*, 740 F. App’x 409, 410 (5th Cir. 2018) (per curiam) (citing *United States v. Heredia- Holguin*, 823 F.3d 337, 340 (5th Cir. 2016) (en banc)). Accordingly, the appeal is DISMISSED for want of jurisdiction.



A True Copy
Certified order issued Nov 09, 2020

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 01, 2020

United States Courts
Southern District of Texas
FILED

December 01, 2020

David J. Bradley, Clerk of Court

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 20-20478 James Collins v. D R Horton-Texas Ltd.
USDC No. 4:20-CV-1897

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Christina A. Gardner

By: _____
Christina A. Gardner, Deputy Clerk
504-310-7684

cc: Ms. Toni Sharretts Collins
Mr. Paul J. McConnell III